IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO.2652 OF 2007(O&M)
DATE OF DECISION: 14.11.2007

DR. RAJINDER SINGH RIKHI

.....PETITIONER
through Mr.J.S.Puri,Advocate

VERSUS

STATE OF PUNJAB & ANOTHER

.....RESPONDENTS
through Mr. A.G.Masih, Sr. DAG,Punjab
for respondent No.1.
Mr.H.K.Arora,Advocate
for respondent No.2.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJIT SINGH.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

VIJENDER JAIN,CHIEF JUSTICE (ORAL)

C.M.No.18620 of 2007

C.M. allowed. Counter affidavit on behalf of respondent No.2 is taken on record.

C.W.P.No.2652 of 2007

The present writ petition has been filed by the petitioner inter-alia praying for issuance of a writ in the nature of mandamus directing the respondents to charge from the petitioner the price of the plot @ Rs.2,013/- per sq. yard, which is 1½ time of the reduced reserve price @ Rs.1,342/- per sq. yard instead of Rs.1455/- per sq. yard in terms of the directions issued by this Hon'ble Court vide orders dated 10.05.1999, 09.08.1999, 25.05.2000 & 21.09.2000 respectively.

The case set up by the petitioner is that respondent No.2 invited applications for allotment of plots measuring 300 sq. yards to 500sq.

yards in Shaheed-E-Azam Bhagat Singh Nagar at Ludhiana whereupon the petitioner was allotted a Plot No.796-F measuring 400 sq. yards vide allotment letter dated 6.4.1998/28.4.1998. As per averments made by the petitioner in the writ petition, the reserve price of the plot was fixed Rs.1455/- per sq. yard by respondent No.2 but the respondent raised a demand @ Rs.2182.50 per sq. yard, which is 1½ times more than the reserve price of Rs.1455/-.

Feeling aggrieved of enhancement price some of the similarly situated persons filed a writ petition No.7501 of 1998 titled as Avtar Singh and others Vs. State of Punjab with the plea that the reserve price of the plots was excessive. This Court decided the above said writ petition on 10.05.1999 and issued various directions to respondent No.2. One of the direction was that petitioners therein would jointly submit a representation to the Improvement Trust and the Trust shall decide the same by passing a speaking order after giving opportunity of personal hearing to the representative of the petitioner. The representation made by the petitioners therein was accepted by respondent No.2 on 09.08.1999 and the reserve price of the plot was reduced from Rs.1455/- per sq. yard to Rs.1342/- per sq. yard. Two more writ petitions i.e. C.W.P.No.6670 of 2000 titled as Iqbal Singh vs. State of Punjab and C.W.P.No.12802 of 2000 titled as Bhawaneshwar Raj vs. Ludhiana Improvement Trust, Ludhiana were also filed for the same cause of action, which were decided on 25.05.2000 and 01.09.2000 respectively. Similar directions, as were given in C.W.P.No.7501 of 1998, were issued in these petitions as well. Pursuant to the directions issued by this court in the aforesaid writ petitions, petitioner also filed a detailed representation for grant of same relief as was granted to other similar situated persons/writ petitioners in Avtar Singh's case as well as the petitioners who filed the other writ petitions in the High court.

Pursuant to the notice issued by this Court, respondent No.2 has filed its counter affidavit. It has been pleaded that the relief was confined to the petitioners who had filed the writ petitions in this Court from time to time and the present writ petitioner can not be granted the relief because he made a default in paying the 3rd installment., At the same time, it is conceded by respondent no.2 that 3rd installment amounting to Rs. 1,68,378/-, which was payable on or before 26.05.1999, was paid by the petitioner on 11.08.1999. It is also stated that interest accruing on that amount on account of delayed payment, which is to the tune of Rs.5075/- was also paid on 17.08.1999.

After hearing the learned counsel for the respondent No.2, we are of the considered opinion that the approach of the respondent No.2 is totally erroneous. If respondent No.2 was not to consider the case of the petitioner, then why was the payment of 3rd installment accepted by it after due date and still demanded and accepted the interest on the delayed payment of the installment later. By no stretch of imagination, respondent No.2 can justify its action of not granting the same relief as was granted to the similar situated persons on the basis of this Court's directions in Avtar Sing's case (supra). Rather the respondent has not any valid justification to offer in this regard.

Therefore, we allow this writ petition and direct respondent No.2 to treat the petitioner at par with other similar situated persons in accordance with the directions issued by this Court in Avtar Sing's case (supra). If any amount has been received by respondent No.2 in excess, the same shall be refunded to the petitioner.

(VIJENDER JAIN)
CHIEF JUSTICE

November 14, 2007 **(RANJIT SINGH)**
nt **JUDGE**